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**PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	
Hinchliffe et al.	)	Examiner: Divecha, Kamal B
Application No. 10/006,242	)	Art Unit: 2151
Filed: 12/10/2001	)	Attny. Docket No.
	)	NAIIP483/01.130.01
For: <u>UPDATING DATA FROM A SOURCE</u>	)	Date: November 14, 2006
<u>COMPUTER TO GROUPS OF DESTINATION</u>	)	
<u>COMPUTERS</u>	)	

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 at facsimile number: (571) 273-2885 on the above date.

Signed: \_\_\_\_\_

April Skovmand

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance mailed October 25, 2006, please enter the following:

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REMARKS

The Examiner has stated in the Examiner's Statement of Reasons for Allowance the following: "[t]he primary reason for allowance of the claims is that the prior art of record in combination of each other fails to teach, disclose or suggest: A computer program product embodied on a computer readable storage medium for controlling a source computer to update out of date data stored by a plurality of destination computers with updated data stored by said source computer using a computer network connection said source computer to said plurality of destination computers" along with "updating the data based on the priority level of the target computers and further failed to disclose a process wherein, if any group of destination computers includes more than a threshold number of destination computers sharing said common priority level, then said establishing code is operable to split said group to form said plurality of groups of destination computers from said destination computers sharing said common priority level and said ordering code is operable to order corresponding push update tasks to occur sequentially despite sharing said common priority level; wherein said splitting allocates destination computer sharing a common network portion of said computer network to a common group; wherein within said group of destination computers sharing said common priority level and being split, destination computers connected and not logged into said computer network are grouped together and split from and treated as having a lower priority level than destination computers connected and logged into said computer network; wherein said updated data is one or more of: malware definition data; and a malware scanner program" (emphasis added).

In response, applicant points out that at least some of the independent claims are not limited by at least the emphasized features that the Examiner has highlighted above. Just by way of example, at least some of applicant's independent claims (e.g. independent Claims 11 and 21) are not limited to a "computer program product embodied on a computer readable storage medium" as the Examiner notes. In addition, applicant's

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independent claims do not specifically state "updating the data based on the priority level," as the Examiner further notes.

Thus, at least some of the independent claims are clearly not limited to the features that the Examiner has noted in the Examiner's Statement of Reasons for Allowance, as emphasized above (by way of example). Instead, each of the claims should only be limited by the language existing therein.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAIIP483/01.130.01).

Respectfully submitted,  
Zilka/Kotab, P.C.

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